

Appl. No. 09/450,023
Amdt. Dated September 2, 2008

REMARKS

Applicant has submitted this amendment under Rule 312 so that Applicant's priority claim which was submitted with the original application papers is properly made of record on the front of the allowed patent. Applicant has concurrently submitted a separate Supplemental Declaration which supports Applicant's claim for priority. Applicant also respectfully submits that no petition is required for entry of this amendment in light of the filing date of the instant application in relation to the modifications of the relevant statutory provisions which now require the submission of a petition for a claim for priority in certain situations.

However, to the extent that the office determines any such petition is required for entry of this amendment, Applicant hereby petitions for entry of this amendment to the specification. To the extent that any such petition is required, the undersigned states that any delay in the submission of this amendment to the specification was unintentional and purely the result of the dynamic nature of the claim language during the lengthy prosecution of the application. Furthermore, Applicant points out that the claim for priority was properly submitted in the original declaration filed with this application as the original declaration specifically references the priority claim referenced in the amendment to the specification set forth above.

Applicant also thanks the Examiner for the courtesy of the telephone discussion concerning the inconsistent bib data sheets made of record in the electronic records of the Patent Application Information Retrieval system. Applicant thanks the Examiner for confirming that the so called bib data sheet referencing Applicant's priority claim as set forth

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in this amendment is accurate and that the instant application has been examined based on the understanding that the priority date for the instant application is November 30, 1998. The undersigned has also confirmed that the allowed claims as most recently amended are properly supported by the provisional application referenced in this amendment.

Accordingly, in light of the foregoing, Applicant requests that the referenced priority claim be entered on the front page of the instant application.

The undersigned authorizes and fees associated with consideration or entry of this amendment and/or petition to be charged to deposit account 50-3891.

Respectfully submitted,

Date: 8/29/08

(Rep. #37,607)

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